

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

GAIL O'NEIL, as next friend	§	
to the minor, C.P.,	§	
Plaintiff,	§	
	§	
v.	§	NO. 2:10-CV-003-J
	§	
TEXAS DEPARTMENT	§	
OF CRIMINAL JUSTICE, <i>et al.</i> ,	§	
	§	
Defendants.	§	

PARTIAL JUDGMENT

Before the Court is the above-styled cause of action. On May 17, 2011, the Court was notified that an agreement for settlement of all matters in controversy between Gail O'Neil, as next friend to C.P., and the Texas Department of Criminal Justice and John Heuerman had been entered into, subject to the approval of the Court, the Governor and the Comptroller. The balance of the case was tried to a jury, which returned a verdict in favor of Texas Tech University Health Sciences Center. All claims against Texas Tech University Health Sciences Center are dismissed with prejudice.

The terms of said agreement provide for payment by Defendant TDCJ of a total sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000) to Plaintiff, in full and final settlement of all claims, demands, and causes of action, whether known or unknown, which have arisen, or may arise, as a result of the accident in question; and further provide that Plaintiff agrees to dismiss her case against Defendants TDCJ and John Heuerman with prejudice. It is understood by the parties that this agreement is subject to the approval of the Court, the Governor and the Comptroller.

IT IS THEREFORE ORDERED that Defendant TDCJ pay Gail O'Neil, as next friend to

the minor C.P., the sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000), for the use and benefit of the minor C.P.

The Court notes that this settlement agreement is subject to the approval of the Governor and the Comptroller. The Court orders counsel for the TDCJ to retain the original and all copies of this Judgment until such time as the settlement agreement is approved by the Governor, and the Comptroller has issued the warrants to pay the above stated amounts to Plaintiff. In the event the settlement is not approved, counsel for the TDCJ shall return the original and copies of this Judgment to the Court with an Order setting the Judgment aside.

IT IS FURTHER ORDERED that all claims brought by Plaintiff Gail O'Neil, as next friend to the minor C.P., against Defendants Texas Department of Criminal Justice and John Heuerman in this action are hereby DISMISSED WITH PREJUDICE.

SIGNED this ____ day of _____, 2011.

MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

Approved for entry:

/s/ Kim Coogan
Kim Coogan
Assistant Attorney General
Attorney for Texas Tech University Health Science Center

/s/ Bruce R. Garcia
Bruce R. Garcia
Assistant Attorney General
Attorney for TDCJ and John Heuerman

/s/ Wayne Krause
Wayne Krause
Texas Civil Rights Project
Attorney for Plaintiff